

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 20-68

Resolution to Appoint Board of Viewers for Abandonment of a Portion of Hazel Avenue

WHEREAS, pursuant to Sections 7-14-2101, 7-14-2102 and 7-14-2103 of the Montana Code Annotated, a board of county commissioners has the authority to manage county roads within the county. Pursuant to Section 7-14-2615 of the Montana Code Annotated, a board of county commissioners has the authority to abandon a county road after a public hearing.

WHEREAS, Hazel Avenue between East Seventh Street and East Eight Street is a dedicated, unconstructed road within Yellowstone County. Nutting Brothers Subdivision, June 29, 1909, Doc. No. 16714. The Yellowstone County Board of County Commissioners has the authority to manage the road, including the authority to abandon the road. On August 31, 2020, the Board received a petition to abandon the portion of Hazel Avenue between East Seventh Street and East Eight Street. **Exhibit 1 – Petition.** Bitterroot Grove LLC, the owner of the lots that abut the road, want the Board to abandon the road to reconfigure the lots to aggregate the road into the lots. Bitterroot Grove LLC wants to construct on the road right-of-way. The Board reviewed the petition. The petition appears legally sufficient to appoint a Board of Viewers to investigate the proposed abandonment.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners creates a Board of Viewers to investigate the proposed abandonment. The Board appoints Mike Black, a Senior Civil Engineer with the Yellowstone County Public Works Department, John Ostlund, a Yellowstone County Commissioner; Jeff Martin, the Yellowstone County Clerk and Recorder / Yellowstone County Surveyor; and Scott Walker, a Transportation Planner with the City of Billings / Yellowstone County Planning Department, to the Board of Viewers. The Board of Viewers shall submit a report to the Board that makes a recommendation as to the proposed abandonment. After the Board of Viewers submits the report, the Board shall hold a public hearing on the proposed abandonment. At the hearing, the Board shall receive comments on the proposed abandonment and consider the Board of Viewers' Report and any comments on the proposed abandonment. After the hearing, the Board may or may not abandon the portion of the road. If the Board believes that it is in the best interest of the public to abandon a portion of the road, it shall pass a resolution of intent to abandon the portion of the road with conditions. Once Bitterroot Grove LLC has satisfied the conditions, the Board shall pass a resolution that abandons the portion of the road. If the Board believes it is not in the best interest of the public to abandon the portion of the road, it shall pass a resolution not to abandon the portion of the road.

Passed and Adopted on the 15th day of September 2020.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Denis Pitman, Chair

Donald W. Jones, Member

John Ostlund, Member

ATTEST:

Jeff Martin, Clerk and Recorder